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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)
) Case No. 3:05-cr-0070-RRB
Plaintiff,)
)
v.)
) UNITED STATES SENTENCING
CLYDE RAMIREZ,) MEMORANDUM
)
Defendant.)
)

SUMMARY OF SENTENCING RECOMMENDATIONS

TERM OF IMPRISONMENT **60 MONTHS**
SUPERVISED RELEASE **5 YEARS**
SPECIAL ASSESSMENT **\$100.00**

The United States Probation Office (“USPO”) has prepared a final presentence investigation report in this case. The United States does not dispute the factual findings the USPO has made.

I. GUIDELINE APPLICATIONS

A. Offenses of Conviction

The defendant pled guilty and was convicted of Count 2 of the indictment which charges him with possession of a firearm in furtherance of a federal drug trafficking crime, in violation of 18 U.S.C. 924(c)(1)(A). He also admitted the forfeiture allegations in Counts 3 and 4.

B. Count 2

Count 2 carries a statutory mandatory minimum sentence of five years in prison pursuant to 18 U.S.C. § 924(c). In this case, because the statutory sentence is five years, the sentencing guideline range is also five years. U.S.S.G. § 5G1.1(a). The maximum fine is \$250,000, but it does not appear that the defendant has the ability to pay a fine. He faces a term of supervised released of between 3 and 5 years.

C. Criminal history calculation

The United States believes that the defendant’s criminal history places him in **criminal history category III.**

II. SENTENCING RECOMMENDATION

The defendant pled guilty to possessing a firearm in furtherance of drug trafficking. He also admitted the underlying drug trafficking crime - possession of methamphetamine with intent to distribute it to others.

Ramirez was dealing drugs and using a gun to help him do it. When the police stopped him on May 27, 2005, he attempted to hide the gun under the front passenger seat. The police found the handgun, along with over \$1400 in cash, meth, cutting agents, scales, lighters, baggies, and other tools of the trade.

A sentence of five years is appropriate, followed by a five year term of supervised release. The defendant must also pay a \$100 special assessment. The United States will also submit a final order of forfeiture for the court on counts 3 and 4.

RESPECTFULLY SUBMITTED this 11th day of January, 2006 in Anchorage, Alaska.

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CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2006,
a copy of the foregoing UNITED STATES
SENTENCING MEMORANDUM was served
electronically on:

Michael Dieni
Asst. Federal Public Defender

s/ Kevin Feldis